

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

LEON BENEK,

Plaintiff,

v.

KANSAS CITY LIFE INSURANCE  
COMPANY, a Missouri corporation doing  
business in Washington, and its wholly owned  
subsidiary SUNSET LIFE INSURANCE  
COMPANY OF AMERICA, a foreign  
corporation doing business in Washington,

Defendants.

Case No. C07-5142FDB

ORDER DENYING PLAINTIFF'S  
MOTION TO ENFORCE  
DISCOVERY CUT-OFF DEADLINE  
AS TO REISSUED SUBPOENA

Plaintiff Benek moves to enforce the January 7, 2008 discovery cutoff deadline with respect to a subpoena to MassMutual served upon Benek's counsel on January 11, 2008.


Defendants respond that the subpoena was issued in mid-December 2007 to MassMutual Financial Group requesting documents relating to Benek and policies issued by Defendants that he replaced with policies of another carrier. Defendant followed up on December 28, 2007 and was assured that a response would be forthcoming, then followed up again on January 10, 2008 and was informed by a MassMutual representative that "MassMutual Financial Group" was a "fleet name"

1 for various MassMutual companies, but was not an entity that could respond to a subpoena; the  
2 representative asked that the subpoena be re-issued to "Massachusetts Mutual Life Insurance  
3 Company," and that if the subpoena were re-issued, to that entity, it would respond. Defendants,  
4 therefore, issued a new subpoena.

5 Under these circumstances, Benek's motion is not well taken and will be denied.

6 NOW, THEREFORE, IT IS ORDERED: Plaintiff Benek's Motion To Enforce Discovery  
7 Cutoff Deadline [Dkt. # 28]is DENIED.

8 DATED this 30<sup>th</sup> day of January, 2008.

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11 FRANKLIN D. BURGESS  
12 UNITED STATES DISTRICT JUDGE  
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